

**REMARKS/ARGUMENTS**

Claims 19–23, 25–28, 32–36 and 46–57 are pending in this Application. Applicants respectfully request entry of the above-noted amendments to claims 19, 25, 32, 36, 46 and 57. The amendments to claims 19 and 25 correct typographical errors. The amendment to claim 57 provides antecedent basis for the subsequent occurrence in claim 57 of the phrase “for at least one of the electrical power generation facility and the electrical power transmission and distribution network.” Amendments to claims 32, 36 and 46 are discussed later in this “Remarks/ Arguments” section.

**Rejections of Claims 19–28 and 32–36 under 35 U.S.C. § 101**

Claims 19–28 and 32–36 stand rejected under 35 U.S.C. § 101 as allegedly claiming non-statutory subject matter. The Examiner’s position appears to be that these claims are not restricted to the technological arts because the arguments of the Response of 15 November 2004 allegedly defined “a service Help Desk” of independent claim 19 and “a Help Desk” of independent claim 32 to consist of “highly skilled technical experts” (i.e., people). Dependent claims 20–28 and 33–36 inherit the Examiner’s view of independent claims 19 and 32.

**Applicants’ Response to Rejections of Claims 19–28 and 32–36 under 35 U.S.C. § 101**

The rejection under 35 U.S.C. § 101 is **not** applicable to claim 24, which Applicants are canceling without prejudice. Applicants amended independent claim 19 in the Response of 15 November 2004 in order to include the additional limitations of dependent claim 24 but Applicants did not then cancel claim 24. Applicants are canceling claim 24 in this Response.

With regard to claims 19–23, 25–28 and 32–36, Applicants respectfully traverse the rejections. The Response of 15 November 2004 is **not** asserting that a Help Desk “consists of” (or equals) highly skilled technical experts. Instead, both the Response of 15 November 2004 and the application disclose that a Help Desk makes available highly skilled technical expertise that, in some embodiments, is provided by experts (i.e., people).

A “Help Desk” represents a part of a power system information system that, in some embodiments, may be staffed by people (i.e., highly skilled technical experts; see paragraph 0026 of published application US20020087220). In other embodiments, an automated guide

computer program or expert system type of software may provide expertise at the Help Desk (paragraph 0090). The Help Desk is a part of the power system information system from which expertise may be obtained, whether the expertise is provided by an engineer, some other technical expert, or an automated guide computer program or expert system type of software. The key point is that the part through which expertise is provided (i.e., the Help Desk) does not equal the original source of the expertise (e.g., an engineer, some other technical expert, or an automated guide computer program or expert system type of software). The original source of the expertise (e.g., an engineer, some other technical expert, or an automated guide computer program or expert system type of software) is not a claim element. Because the Help Desk of claims 19–23, 25–28 and 32–36 is simply a part of the power system information system through which expertise is provided, the Help Desk element of claims 19–23, 25–28 and 32–36 does not remove these claims from the technological arts. Claims 19–23, 25–28 and 32–36 are directed to patentable subject matter.

For an additional reason, the Help Desk element of claims 32–36 does not remove these claims from the technological arts. The element “a Help Desk” of independent claim 32 is used only descriptively to describe the component Information System in which the claimed computer program product makes a computer or a processor operate. That is, claim 32 does not claim a computer program product in which “a Help Desk” itself is a component of the claimed computer program product (the same is true for dependent claims 33–36). Consequently, for this additional reason the Help Desk element of claims 32–36 does not remove these claims from the technological arts, and claims 32–36 are directed to patentable subject matter.

In view of the foregoing, Applicants respectfully request that the rejections of claims 19–23, 25–28 and 32–36 under 35 U.S.C. § 101 be withdraw, and that the claims be allowed to pass to issuance.

#### Rejections of Claims 46–57 under 35 U.S.C. § 101

Claims 46–57 stand rejected under 35 U.S.C. § 101 as claiming an inoperative invention. The Examiner’s position appears to be that independent claims 46 and 57 are directed to an inoperative invention because they each omit “the step of generating the recommendation measure of the inspected portion.” Dependent claims 47–56 inherit the Examiner’s view of independent claims 46.

Applicants' Response to Rejections of Claims 46–57 under 35 U.S.C. § 101

Applicants respectfully traverse the rejections of claims 46–57 under 35 U.S.C. § 101. Applicants do **not** agree that independent claims 46 and 57 are directed to an inoperative invention. In claim 46, the step of generating a recommendation may be viewed as being subsumed within the step of “receiving, at the information system, a recommendation for a maintenance measure.” However, in order to speed prosecution, Applicants have amended independent claim 46 in order to include the phrase “generating a recommendation for a maintenance measure of the inspected portion” after the phrase “presenting, to a user, stored information about the inspected portion.” The added phrase finds support in published application US20020087220’s Abstract (“ . . . providing a recommendation such as a repair, a temporary repair or making a plan for a repair at a later time”), original published claim 1 (“ . . . and providing a recommendation for a maintenance measure such as a repair”), and Sheets 1 & 2 of US20020087220.

Unlike claim 46, which is directed to “**method** to provide maintenance . . .,” claim 57 is directed to “[a] **computer program** contained in a computer readable medium, comprising computer program code means to make a computer or processor carry out [several steps].” In order to be operative, the computer program of claim 57 need not “generat[e] a recommendation for a maintenance measure of the inspected portion.” The computer program may simply receive a recommendation, and claim 57 presently includes as an element the phrase “. . . **receiving**, at the information system, a recommendation for a maintenance measure of the inspected portion.” Accordingly, claim 57 is **not** amended to include in particular the phrase “generating a recommendation for a maintenance measure of the inspected portion” after the phrase “presenting, to a user, stored information about the inspected portion.”

Furthermore, the specification indicates that the Help Desk would often be the original generator of a recommendation (for example, see, in US20020087220: Abstract, 107a of Sheet 3, 107b of Sheet 4). Accordingly, in many embodiments, a computer program might be said to be “generating” a recommendation principally in the sense of being the first electronic form of a recommendation within communication means of the power system information system. In embodiments of the invention, however, a claimed computer program need not generate *de novo* a recommendation for a maintenance measure on the inspected portion in order for that computer program to be an operable invention. That is, the claimed computer program

may simply need to be capable of receiving a recommendation (e.g., from the Help Desk) in order to be operable, and claim 57 already includes as an element the phrase “receiving, at the information system, a recommendation for a maintenance measure of the inspected portion.”

In view of the foregoing, Applicants respectfully request that the rejections of claims 46–57 under 35 U.S.C. § 101 be withdrawn, and that the claims be allowed to pass to issuance.

Rejections of Claims 32–36 under 35 U.S.C. § 102(e)

Claims 32–36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,574,672 to Mitchell et al. (“Mitchell”). In particular, Mitchell’s disclosure at col. 4, line 17–col. 5, line 12 is alleged to be relevant to the claimed invention.

Applicants’ Response to Rejections of Claims 32–36 under 35 U.S.C. § 102(e)

Applicants first note that they have amended claim 36 to clarify that claim 36 is directed to a computer program product. Applicants next note that amended independent claim 32 (the claim from which claim 36 depends) includes the elements that, among other steps, the claimed computer program product makes a computer or a processor in an Information System comprising one or more databases and a Help Desk to provide maintenance for an electrical power generation, transmission and distribution system and apparatus connected to said power system specifically “receive a data input of a condition of an inspected portion of the electrical generation, transmission and distribution system and apparatus connected to said power system” and “receive a second input documenting a maintenance repair action on the inspected portion.” The amendment to claim 32 clarifies that claimed computer program product receives a data input that represents at least one maintenance report on a condition of an inspected portion of the power system and also receives a second input documenting a maintenance repair action on the inspected portion. The amendment to claim 32 finds support in the earlier elements of claim 32 as well as in Sheet 4 of published application US20020087220. Particularly in view of these clarifications, Applicants respectfully traverse the rejections of claims 32–36 under 35 U.S.C. § 102(e).

Applicants respectfully submit that Mitchell does **not** disclose a computer program product that specifically makes a computer or a processor in an Information System comprising one or more databases and a Help Desk to provide maintenance for an electrical power

generation, transmission and distribution system and apparatus connected to said power system “receive a data input of a condition of an inspected portion of the electrical generation, transmission and distribution system and apparatus connected to said power system” and “receive a second input documenting a maintenance repair action on the inspected portion.” But such steps are elements of each of claims 32–36 through amended independent claim 32. Because Mitchell does not disclose such a computer program, Applicants respectfully maintain that Mitchell cannot anticipate claims 32–36.

In particular, Mitchell is not in any way directed to the field of electrical power distribution systems. Mitchell appears to disclose means to relay known solutions to known task-specific applications [e.g., maintenance procedures on a piece of equipment (e.g., col. 10, lines 17–23)] to a user through a computer that is sufficiently small to be worn by the user [e.g., independent claim 1 (col. 29, lines 65–66), and independent claim 48 (col. 32, lines 33–34)]. The machines for which Mitchell is to provide means for relaying task-specific maintenance procedures may include aircraft and automobiles (col. 1, lines 24 and 27). The focus of Mitchell’s SIMON (System for Integrated Maintenance ONline) system is on maintenance and repair of specific models of machines (e.g., col. 16, lines 36 and 56–58), which is what one would expect for the repair of automobiles or aircraft. However, Mitchell does **not** lead the reader to the field of electrical power distribution systems (or to resolving conditions other than simple, previously encountered conditions for specific pieces of equipment such as specific models of automobiles or aircraft).

In view of the foregoing, Applicants respectfully request that the rejections of claims 32–33 and 35–36 under 35 U.S.C. § 102(e) be withdrawn, and that the claims be allowed to pass to issuance.

Rejection of Claims 19–23, 25 and 28 under 35 U.S.C. § 103(a)

Claims 19–23, 25 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,545,482 to Fedirchuk et al. (“Fedirchuk”) in view of Mitchell and further in view of “IEEE Recommended Practice to Improve Electrical Maintenance and Safety in the Cement Industry” (1991) (i.e., IEEE Standard 625–1990). The Examiner acknowledges that Fedirchuk does not teach mobile inspection means to make a graphic image for an inspection report and mobile terminal, computer and display means to retrieve information from the one or

more databases. However, Mitchell is alleged to disclose these features at col. 2, lines 37–48. Furthermore, Fedirchuk is alleged to disclose Help Desk-associated activities (e.g., at col. 2, lines 6–7 and col. 3, lines 5–11).

Applicants' Response to Rejections of Claims 19–23, 25 and 28 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of claims 19–23, 25 and 28 under 35 U.S.C. § 103(a) as being obvious over Fedirchuk in view of Mitchell and further in view of IEEE Standard 625–1990. Applicants maintain that reliance on Fedirchuk (e.g., col. 2, lines 6–7 and col. 3, lines 5–11) for disclosing Help Desk-associated activities is misplaced. Fedirchuk is specifically directed to **monitoring** electrical events in an electrical power transmission network and grid. Fedirchuk does not in any way disclose providing **maintenance** for an electrical power generation, transmission and distribution system.

Not only is the subject matter of Fedirchuk limited to **monitoring** electrical events in an electrical power grid, but Fedirchuk does not teach or suggest a Help Desk (e.g., for generating recommended maintenance or repair actions). Activities associated with the “central station” disclosed in Fedirchuk (e.g., at col. 2, lines 6, 11, 13, 14, 19, 27, 28, 29, 31, 33, 58, 63 and 65; at col. 3, lines 6, 25, 36, 37, 41, 44, 53, 58, 59 and 61; at col. 4, lines 1 and 9; and in the third sentence of the Abstract, as well as in claims 1, 4, 7 and 9) appear to correspond to those of a “central recording station” noted in the “Background of the Invention” section of Fedirchuk (col. 1, line 39) except for additional capabilities of reflex data transmission. In short, Fedirchuk teaches only data transmission to a central recording station from which there may be additional reflex data transmission. There are no references whatsoever in Fedirchuk to maintenance or repair (or a Help Desk to generate recommendations for maintenance or repair actions). Fedirchuk teaches only a data-logging function with a time stamp plus potential cross-trigger commands or communications with the original time stamp (col. 3, line 57 – col. 4, line 3).

Mitchell (which discloses relaying, through a computer that is sufficiently small to be worn by a user, simple task-specific maintenance and repair procedures for specific models of machines such as automobiles or aircraft) and IEEE Standard 625–1990 (which is directed to electrical maintenance and safety practices in cement plants) do **not** compensate, alone or in combination, for the several deficiencies in Fedirchuk, including the failure of Fedirchuk to teach or suggest a Help Desk as part of a power system information system for “provid[ing]

maintenance for an electrical power generation, transmission and distribution system and apparatus connected to said power system . . .” The disclosure of IEEE Standard 625–1990 simply focuses on establishing filing systems (e.g., in Section 6.1.3, for circuit breakers and documents associated with circuit breakers) and inventories (e.g., in Section 6.1.7, of replacement parts) that might facilitate maintenance. A practice of carefully planning ahead is recommended for work crews (Section 6.1.4), but IEEE Standard 625–1990 does **not** teach or suggest a Help Desk as part of a power system information system for “provid[ing] maintenance for an electrical power generation, transmission and distribution system and apparatus connected to said power system.”

In view of the foregoing, Applicants respectfully request that the rejections of claims 19–23, 25 and 28 under 35 U.S.C. § 103(a) be withdrawn, and that the claims be allowed to pass to issuance.

Rejections of Claims 26 and 27 under 35 U.S.C. § 103(a)

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fedirchuk in view of Mitchell, and further in view of IEEE Standard 625–1990, and further in view of Official Notice that it was old and well known in the art at the time the invention was made that computer operating systems such as Windows 98, Windows NT and Unix included means for registered users to log on to the computer systems.

Applicants’ Response to Rejections of Claims 26 and 27 under 35 U.S.C. § 103(a)

Applicants respectfully traverse these rejections of claims 26 and 27 under 35 U.S.C. § 103(a) as being obvious over Fedirchuk in view of Mitchell, and further in view of IEEE Standard 625–1990, and further in view of Official Notice. The Official Notice (i.e., that it was old and well known in the art at the time the invention was made that computer operating systems such as Windows 98, Windows NT and Unix included means for registered users to log on to the computer systems) does **not** compensate for the previously noted deficiencies of Fedirchuk in view of Mitchell and further in view of IEEE Standard 625–1990 [see Applicants’ response above to rejections of claims 19–23, 25 and 28 under 35 U.S.C. § 103(a)]. Yet, because claims 26 and 27 each depend from claim 19, each contains the limitations of claim 19. For the same reasons that claim 19 is not obvious under 35 U.S.C. § 103(a) over Fedirchuk in view of Mitchell, and further in view of IEEE Standard 625–1990, claims 26 and 27 are not

obvious under 35 U.S.C. § 103(a) over Fedirchuk in view of Mitchell, and further in view of IEEE Standard 625–1990, and further in view of Official Notice. Again, the Official Notice does **not** compensate for the previously noted deficiencies of Fedirchuk in view of Mitchell and further in view of IEEE Standard 625–1990.

In view of the foregoing, Applicants respectfully request that the rejections of claims 26 and 27 under 35 U.S.C. § 103(a) be withdrawn, and that the claims be allowed to pass to issuance.

Rejection of Claim 34 under 35 U.S.C. § 103(a)

Claim 34 stands rejected under 35 U.S.C. § 103(a) as being obvious over Mitchell in view of U.S. Patent No. 6,668,629 to Leslie (“Leslie”). Though the Examiner acknowledges that Mitchell does not expressly teach a computer program that comprises “software means for carrying out an action to send a signal in the form of a purchase order comprising details for replacement apparatus of spare parts to a parts supplier,” Leslie is alleged to teach these limitations at col. 6, lines 5–10.

Applicants’ Response to Rejection of Claim 34 under 35 U.S.C. § 103(a)

Applicants respectfully traverse this rejection of claim 34 as being obvious under 35 U.S.C. § 103(a) over Mitchell in view of Leslie. Claim 34 depends from amended independent claim 32. Because amended independent claim 32 is **not** obvious over Mitchell in view of Leslie, dependent claim 34 cannot be obvious over the same combination.

Leslie at col. 6, lines 5–10 might be interpreted to disclose the “purchase order” limitation of claim 34. However, whether the “capable of ordering” phrase at col. 6, line 7 of Leslie discloses a “purchase order” could be debatable to persons of ordinary skill in the art. In any case, the debate is moot because claim 34 depends from amended independent claim 32, and amended independent claim 32 is **not** obvious over Mitchell in view of Leslie. Accordingly, dependent claim 34 cannot be obvious over the same combination.

Applicants again note that amended independent claim 32 (the claim from which claim 34 depends) includes the elements that, among other steps, the claimed computer program product makes a computer or a processor in an Information System comprising one or more



databases and a Help Desk to provide maintenance for an electrical power generation, transmission and distribution system and apparatus connected to said power system specifically, among other steps, to “receive a data input of a condition of an inspected portion of the electrical generation, transmission and distribution system and apparatus connected to said power system” and “receive a second input documenting a maintenance repair action on the inspected portion.” Applicants respectfully maintain that Mitchell in view of Leslie does **not** teach or suggest such a computer program product.

Again, Mitchell appears to disclose means to relay known solutions to known task-specific applications [e.g., maintenance procedures on a piece of equipment (e.g., col. 10, lines 17–23)] to a user through a computer that is sufficiently small to be worn by the user [e.g., independent claim 1 (col. 29, lines 65–66), and independent claim 48 (col. 32, lines 33–34)]. Mitchell does **not** lead the reader to the field of electrical power distribution systems (or to resolving conditions other than simple, previously encountered conditions for specific pieces of equipment such as specific models of automobiles or aircraft).

Leslie has controlling and monitoring engine-generators as a focus. Leslie also briefly discloses materials that may be used in the maintenance of engine-generators. For example, Leslie briefly discloses databases [e.g., configurable for containing maintenance-applicable information related engine-generators such as model numbers, serial numbers, etc. (col. 5, line 64–col. 6, line 2)] and client server systems [e.g., to enable a user to prepare reports and conduct data analysis (col. 6, lines 2–5), configurable with E-business software for ordering parts and services for engine-generators (col. 6, lines 5–9), to perform diagnostics and updates on an engine-generator controller (col. 6, lines 9–12), and to perform predictive analysis and ordering of components of engine-generator controllers and engine-generators (col. 6, lines 12–18)]. But Leslie does **not** teach or suggest, among other elements of claim 34, “receiv[ing] a second input documenting a maintenance repair action on [an] inspected portion [of an electrical generation, transmission and distribution system and apparatus connected to said power system].” Furthermore, Leslie in combination with Mitchell does not teach or suggest this element of claim 34. Consequently, dependent claim 34 cannot be obvious over Mitchell in view of Leslie.

In view of the foregoing, Applicants respectfully request that the rejection of claim 34 under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If any issue should arise that may be addressed telephonically, Applicants' undersigned representative earnestly requests a call at 713-951-3309.

Respectfully submitted,

Dated: *Sept. 14, 2005*

By *Mark J. Gatschet*  
Mark J. Gatschet

Registration No.: 42,569  
JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION  
5 Houston Center  
1401 McKinney, Suite 2600  
Houston, Texas 77010  
(713) 951-3309  
(713) 951-3314 Facsimile  
Attorneys For Applicant